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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,796	10/22/2001	Tatsuya Yanagisawa	05721.0020	8412

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,796	YANAGISAWA ET AL.	
	Examiner	Art Unit	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is response to the amendment filed 2/6/2006.
2. Applicant's amendments to claims 1 – 15 are acknowledged. Consequently, claims 1 – 15 are currently pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 7, 9, 12 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Berman et al (U.S. 6,502,194 B1).

♦ As per claim 1,

Berman discloses a music piece data managing apparatus comprising:

- “ A storage part for storing music piece data and management data associated therewith in a manner allowing additional writing” See Fig. 1, element 100, and 116, col. 4, lines 51 – 53, col. 5, lines 63 – 65, col. 6, lines 6 – 13. “ The storage part” corresponds to the memory 116. “ Management data” corresponds to the artist or tile data that stored together with the music pieces (see Fig. 2). As seen in Fig. 1, the storage unit is allowed

to write data into the memory for later reproducing. Therefore, this is “allowing for additional writing”.

- “ A display part for displaying the data management data stored in said storage part and display a message to prompt an input operation for instructing an order of reproduction of said music piece data” See Fig. Fig. 2, col. 5, lines 42 – 62, col. 6, lines 65 - 66.
- “ A reproducing order generating part for forming reproducing order data to determine an order of reproduction of music pieces by correlating said input operation with said management data” see col. 7, lines 3 – col. 8, lines 43.
 - “Order of reproduction “ see col. 9, lines 7 – 15.
 - “Said input operation” corresponds to the operation of user to select the music or to program the selections.
- “ A data transfer part for transferring said reproducing order data to another storage part outside said music piece data managing apparatus” see Fig. 1, element 114. The data is transferred from unit 100 to the home audio system (see the abstract).

◆ As per claim 2, Berman discloses:

- “ Said reproducing order generating part rearranges said management data in accordance with the reproducing order of the music pieces and allocates edition numbers representing the order of reproduction to said management data, thereby forming the reproducing order data” See col. 9, lines 60 – col. 10, lines 2. The user can rearrange the order of music pieces according to user’s desires (col. 9, lines 12 - 15). The “edition numbers” corresponds to the version number in the reference.

◆ As per claims 3 – 4, Berman discloses:

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- “ Said management data includes a music piece name of the music piece data, data indicative of attributes of said music piece, and a memory address indicative of a storing position of said music piece data in said storage part” see col. 5, lines 51 – 52.
- ◆ As per claims 5, 9, 12, Berman discloses:
 - “ Said reproducing order generating part generates said reproducing order data and adds additional writing data comprising the music piece data and the management data associated therewith which have been additionally written onto said storage part to said formed reproducing order data” See Fig. 6– 10.
- ◆ As per claims 6 - 7, Berman discloses:
 - “ A portable data recording medium is used” See col. 5, lines 8 – 10.
- ◆ As per claims 13 - 14, Berman discloses:
 - “ Said reproducing order data is transferred to said another storage part by using a memory medium” see Fig. 1, element 114. The data is transferred from unit 100 to the home audio system (see the abstract).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 10 – 11, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al (U.S. 6,502,194 B1) in view of Richard Stokes (U.S. 4,870,515).

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♦ As per claims 8, 10 – 11,

Berman does not clearly disclose an in-vehicle information reproducing apparatus. Berman teaches that the playback unit retrieves the music from the server and provides it to the home audio system. However, in the same field of invention, Stokes discloses a method for copy data music from one device to another. Berman also teaches that music is transferred to the home audio system. The device in Stokes is a portable device and can be equivalent with an in-vehicle reproducing apparatus as claimed in the instant claims, comprising:

- “A storage part for storing music piece data and management data associated therewith in a manner allowing additional writing” See Fig. 1, Fig. 16, col. 4, lines 49 – col. 5 lines 10 of Stokes. “The storage part” corresponds to the tape that recorded the music pieces. “Management data” corresponds to the artist or title data that stored together with the music pieces (see abstract). As seen in Fig. 1, the tape is allowed to write data into the tape for later reproducing. Therefore, this is “allowing for additional writing”.
- “A transfer data reading part for reading the reproducing order data transferred by said data transfer media” See col. 1, lines 9 – 14 col. 5, lines 37 – 40, col. 6, lines 34 - 40 of Stokes.
- “A reproduction control part for collating the reproducing order data read by said transfer data reading part with the management data stored in said storage part and controlling reproduction of the music piece data stored in said storage part based on the order of reproduction designated by said reproducing order data” See col. 9, lines 17 – 20, col. 2, lines 3 – 38.

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Stokes into the invention of Berman because the combination would provide the user more convenience in playing music by different devices.

◆ As per claim 15, Stokes discloses:

- “ Said reproducing order data is transferred to said another storage part by using a radio wave apparatus” See col. 5, lines 11 – 34 of Stokes.

Response to Arguments

7. Applicant's arguments filed 2/6/2006 have been fully considered but they are not persuasive.

- a. Applicant argues that the Berman reference fails to disclose “ a data transfer part for transferring reproducing order data to another storage part outside said music piece data managing apparatus” (page 8 of the Remark). The Examiner respectfully disagrees.

Referring to Fig. 1, music data is transferred from the audio material server 104 to the home audio system using the play back unit 100. Therefore, the play back unit 100 also is considered as part of “data transfer part” as claimed in the invention. Using this system, the data (music) is transferred from server (Fig. 4, element 412, col. 8, lines 30 – 35). The “reproducing order data” corresponds to the order of data (songs) that user selects or programs in order to reproduce data from the server. When the server sends the data (songs) to the playback unit, this data is in ordered as set by the user. Therefore, the “reproducing order data” corresponds to the list of songs that the server sends to the user.

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b. Applicant argues that the Berman reference fails to disclose “ a data transferred in the reference is music for listening, not reproducing order data that is formed to determine an order of reproduction of music pieces” (page 9 of the Remark). The Examiner respectfully disagrees.

As discussed above, the “reproducing order data” corresponds to the order of data (songs) that user selects or programs (col. 9, lines 13 – 15) in order to reproduce data from the server. When the server sends the data (songs) to the playback unit, this data is in ordered as set by the user. Therefore, the “reproducing order data” corresponds to the list of songs that the server sends or reproduces to the user.

c. Applicant argues that the Berman reference fails to disclose “ reproducing order data that is formed by rearranging management data in accordance with a reproducing order of music pieces and allocating edition numbers representing the order of reproduction” (page 9 of the Remark). The Examiner respectfully disagrees.

The “reproducing order data” corresponds to the list of songs that the server sends or reproduces to the user. The user selects (Fig. 3, element 302 – 304) or programs (col. 9, lines 13 – 15) the list of songs that user wants to download from the server. Therefore, this list of songs is equivalent to the “rearranging management data”. The “edition numbers” corresponds to the version of song in the references.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Taira et al (U.S. 6,016,381) discloses an apparatus for reproducing information.
- Kajiyama et al (U.S. 6,283,764 B2) discloses a storage medium playback system and method.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024.


The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on 571 – 272 - 4017. The fax phone number for the organization where this application or proceeding is assigned is 571 – 273 - 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN


FRANTZ COBY
PRIMARY EXAMINER